

---

THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

---

XIDRONE SYSTEMS, INC.,  
  
Plaintiff,  
  
v.

FORTEM TECHNOLOGIES, INC.,  
  
Defendant.

MEMORANDUM DECISION AND  
ORDER RE SEALING INFORMATION

Case No. 2:23-cv-00430-AMA-DBP

District Judge Ann Marie McLiff Allen

Chief Magistrate Judge Dustin B. Pead

---

Pursuant to DUCivR 5-3(b), Defendant Fortem Technologies, Inc. moves the court to keep under seal certain sensitive business information filed by Plaintiff XiDrone Systems, Inc. in an exhibit to its Claim Construction Brief.<sup>1</sup> As set forth, the court grants the motion.

“‘Courts have long recognized a common-law right of access to judicial records,’ but this ‘right is not absolute.’”<sup>2</sup> A party “may overcome the presumption in favor of public access to judicial records by demonstrating the pages contain ‘sources of business information that might harm a litigant's competitive standing.’”<sup>3</sup>

Here, Defendant argues the exhibit contains sensitive business information. Specifically, the PowerPoint contains “future proprietary business plans”, certain “product areas of improvements”, “sensitive financial information”, and information regarding “strategic partnerships and updates on research and development.”<sup>4</sup> The court finds this is sensitive

---

<sup>1</sup> ECF No. 38.

<sup>2</sup> *Colony Ins. Co. v. Burke*, 698 F.3d 1222, 1241 (10th Cir. 2012) (quoting *Mann v. Boatright*, 477 F.3d 1140, 1149 (10th Cir. 2007)).

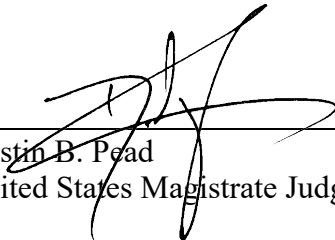
<sup>3</sup> *Deherrera v. Decker Truck Line, Inc.*, 820 F.3d 1147, 1162 (10th Cir. 2016) (quoting *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 598 (1978)).

<sup>4</sup> Mtn. p. 3.

business information that might harm Defendant, and therefore, may be sealed. Further, Defendant seeks to seal the exhibit, rather than those portions of Plaintiff's brief that make a passing reference to the PowerPoint. The court finds this is a narrow request. Finally, there is little interest in the public accessing information such as this. As such, it may be sealed.

Accordingly, the motion is GRANTED.

DATED this 19 August 2024.



---

Dustin B. Pead  
United States Magistrate Judge